

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**LEHIGH VALLEY 1, LLC, successor by** :  
**assignment to WINDSTREAM CAPITAL** :  
**LLC, successor by assignment to the** : **CIVIL ACTION**  
**UNITED STATES SECRETARY OF** :  
**HOUSING AND URBAN DEVELOPMENT,** :  
**successor by assignment to M&T REALTY** :  
**CAPITAL CORPORATION** : **NO. 24-2627**

**v.**

**WHITEHALL FIDUCIARY LLC, as** :  
**TRUSTEE OF WHITEHALL TRUST U/T/A:** :  
**DATED AUGUST 1, 2027** :

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**LEHIGH VALLEY 1, LLC, successor by** :  
**assignment to WINDSTREAM CAPITAL** :  
**LLC, successor by assignment to the** : **CIVIL ACTION**  
**UNITED STATES SECRETARY OF** :  
**HOUSING AND URBAN DEVELOPMENT,** :  
**successor by assignment to M&T REALTY** : **NO. 24-2709**  
**CAPITAL CORPORATION** :

**v.**

**SAUCON TRUST, U/T/A DATED** :  
**OCTOBER 1, 2007** :

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of August 2025, upon consideration of Plaintiff's Motion to Dismiss Counterclaims and to Strike Defendant's Affirmative Defenses (Docket No. 43 in case number 24-2627 and Docket No. 51 in case number 24-2709) and Defendants' oppositions thereto, as well as all replies and sur-replies, it is hereby **ORDERED** as follows:

1. Plaintiff's Motion to Dismiss and to Strike is **GRANTED** in part and **DENIED** in part.
2. Plaintiff's Motion to Dismiss is **GRANTED** as to Defendants' Counterclaims and all Counterclaims are **STRICKEN** from Defendants' Answer.

3. Plaintiff's Motion to Strike is **GRANTED** as to Affirmative Defenses 7, 8, 10, 11, 12, 13, 14, 15, 16, 31, 32 and 34. These defenses are **STRICKEN** from Defendants' Answer with leave to amend.
4. Plaintiff's Motion to Strike is **GRANTED** as to Affirmative Defenses 2, 19 and 20. These defenses are **STRICKEN** from Defendants' Answer and no leave to amend will be given, as amendment would be futile.
5. Plaintiff's Motion to Strike is **DENIED** as to Affirmative Defenses 1, 3, 4, 5, 6, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 33.

**BY THE COURT:**

*/s/ Catherine Henry*  
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**CATHERINE HENRY, J.**